



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Jack R. Wilson, III
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Zoning Administrator,
Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department

Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Carl D. Schlaudt, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Secretary, Administrative
Branch, Planning Department
Ms. Vanessa Kent, Assistant Deputy Clerk, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Steven E. Simonson, Sr., Civil Engineer,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. Michael S. Golden, Director,
Parks and Recreation Department
Ms. Jennifer Wampler, Planner, Parks Maintenance Division,
Parks and Recreation Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Captain Michael Spraker, Commander, Support
Services Division, Police Department

WORK SESSION

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. **Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. **Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. **Plans and Information Section Update.**
- D. **Work Program – Review and Update.**
- E. **Deferred Item – Administrative Substantial Accord Determination.**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0148 Matoaca	Chesterfield County Parks and Recreation	Substantial Accord Determination	Eppington Road ROW and Park Expansion

- F. **Draft Chester Plan.**
- G. **Follow-up Discussion Relative to Growth Management Retreat Items.**
- H. **Amendment to the Subdivision Ordinance Relative to Issuance of Building Permits and Paving of Streets and Minimum Pavement Design.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Gulley requested that a new item be added to the agenda to discuss under what circumstances a Variance could be granted for lot area requirements.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission amended the agenda to add a new Item I, Circumstances Under Which a Variance May Be Granted for Lot Area Requirements and reordered the agenda accordingly.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

B. REVIEW DAY'S AGENDA.

Mr. Rogers updated the Commission as to the status of, and staff's recommendation for, Case 05PS0144, Riverstone Properties (Centerpointe), a schematic plan request to be considered at the 3:00 p. m. Afternoon Session.

Messrs. Allen and Hainley updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

During discussion of the 3:00 p. m. Afternoon Session, Mr. Wilson stated the property owner for Cases 05PR0120 and 05PS0163, Development Strategies (Colony Crossing), was one of his clients, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the Work Session at approximately 12:34 p. m.

Transportation issues were raised by Mr. Gulley relative to Case 05PR0120 and the Commission agreed to delay further discussion until the Transportation Department staff arrived.

Upon conclusion of the discussion relative to Cases 05PR0120 and 05PS0163, Mr. Wilson returned to the meeting at approximately 12:41 p. m.

Mr. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and zoning requests.

Upon conclusion of discussion of the 7:00 p. m. Evening Session, Mr. Bass requested Case 03SN0332, Fairweather Investments, LLC, be reordered as the last case on the Discussion Agenda.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission amended the 7:00 p. m. Evening Session agenda to reorder Case 03SN0332, Fairweather Investments, LLC, as the last case on the Discussion Agenda.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Turner recalled Case 05PR0120, Development Strategies (Colony Crossing), for further discussion.

Mr. Wilson restated that the property owner for Case 05PR0120, Development Strategies (Colony Crossing), was one of his clients, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the Work Session at approximately 1:14 p. m.

Upon conclusion of the discussion relative to Case 05PR0120, Mr. Wilson returned to the meeting at approximately 1:23 p. m.

Mr. Turner updated the Commission as to the status of, and staff's recommendation for, the proposed Ordinance Amendments relative to certificates of appropriateness for historically designated sites and the home occupations, scheduled for public hearing at the 7:00 p. m. Evening Session.

C. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Fassett updated the Commission as to the status of ongoing meetings relative to the Chester Village Plan Amendment and the Northern Area Plan Amendment.

Mr. Bowling updated the Commission as to the status of ongoing citizens meetings relative to the Upper Swift Creek Plan Amendment, noting a meeting was scheduled for November 9, 2004, in the Moseley community.

D. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the Commission adopted their November 2004 Work Program, as outlined by Mr. Turner.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

E. DEFERRED ITEM – ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION.

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0148 Matoaca	Chesterfield County Parks and Recreation	Substantial Accord Determination	Eppington Road ROW and Park Expansion

Ms. Rogers presented an overview of the request and the Director's determination.

Mr. Mike Golden was present representing the request.

In response to a question from Mr. Gecker, Ms. Rogers indicated that staff would support similar requests if the request enhanced access to a historic site which was being preserved and further noted that such a position was supported by the Plan which encouraged historic preservation.

There was no opposition to the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission confirmed the decision of the Director of Planning that the proposed expansion of Eppington Plantation was consistent with the Comprehensive Plan, subject to the following condition:

CONDITION

Until Eppes Falls Road, from River Road to its terminus, is paved and improved to standards acceptable to the Transportation Department, activities at Eppington Plantation shall be restricted so as to generally limit traffic generation to the following:

Large special events (twice a year) -	400 vehicles per day
Small events (once a month) -	25 vehicles per day
Average daily traffic -	10 vehicles per day (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

F. DRAFT CHESTER PLAN.

Ms. Carter presented a computerized PowerPoint overview of the proposed amendment to the Chester Village Plan, outlining the goals and objectives and addressing various elements of the Plan.

Upon conclusion of the discussion, it was on motion of Mr. Wilson, seconded by Mr. Litton, that the Commission deferred further discussion of the Chester Village Plan Amendment to the November 16, 2004, Work Session, with the goal of scheduling a public hearing for the December 13, 2004, meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

G. FOLLOW-UP DISCUSSION RELATIVE TO GROWTH MANAGEMENT RETREAT ITEMS.

Upon conclusion of discussion, it was the consensus of the Commission that since there were no recommendations for any new potential committees for the Growth Management Retreat items, final recommendations for action would be provided at the November 16, 2004, Work Session.

H. AMENDMENT TO THE SUBDIVISION ORDINANCE RELATIVE TO ISSUANCE OF BUILDING PERMITS AND PAVING OF STREETS AND MINIMUM PAVEMENT DESIGN.

Mr. McElfish presented an overview of the proposed Subdivision Ordinance Amendment and requested the Commission schedule a public hearing on November 16, 2004, at 7:00 p. m.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to set the date of, and requested staff take the necessary steps to advertise, November 16, 2004, at 7:00 p. m., for a public hearing to consider an Amendment to the Subdivision Ordinance relative to the issuance of building permits and the paving of streets and minimum pavement design.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

I. CIRCUMSTANCES UNDER WHICH A VARIANCE MAY BE GRANTED FOR LOT SIZE REQUIREMENTS.

Concerns were raised and discussion followed relative to the granting of square footage reductions for Variances; if the granting of such Variances was tantamount to rezoning; and the potential impact of these types of Variance requests.

Upon conclusion of the discussion, it was the consensus of the Commission to schedule further discussion of the Lot Size Requirements for Variances on their November 16, 2004, Work Session agenda and requested staff provide additional information at that time.

J. RECESS.

There being no further business to discuss, the Commission recessed at approximately 2:38 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Gecker requested that Case 05PW0150, Moseley Electronics (Moseley Electronics) be heard prior to Case 05PS0163, Development Strategies (Colony Crossing) so that Case 05PS0163 could be heard in conjunction with its companion Case 05PR0120, Development Strategies (Colony Crossing).

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission amended the agenda to allow Case 05PW0150, Moseley Electronics (Moseley Electronics) to be heard prior to Case 05PS0163, Development Strategies (Colony Crossing) so that Case 05PS0163 could be heard in conjunction with its companion Case 05PR0120, Development Strategies (Colony Crossing).

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the September 21, 2004, Planning Commission minutes.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to approve the September 21, 2004, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ REQUEST FOR DEFERRAL BY APPLICANT.

05PS0144: In Matoaca Magisterial District, **RIVERSTONE PROPERTIES, LLC** requested deferral to November 16, 2004, of consideration for schematic plan approval. This project is commonly known as **CENTERPOINTE**. This request lies in Residential (R-7), Corporate Office (O-2) and Community Business (C-3) Districts on a 734 acre parcel fronting in two (2) places for a total of approximately 4,400 feet on the north line of Powhite Parkway and along the east and west lines of Route 288. Tax IDs 724-693-6630; 724-694-5390; 726-695-3178; 726-697-4349; 727-698-7803; 728-695-2429 and 8731; 728-697-2424; 729-696-0058; 731-696-2505; 732-694-0332; and 733-695-1700 (Sheets 5, 9 and 10).

Mr. Andrew Gibb, the applicant's representative, requested deferral to the November 16, 2004, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to the November 16, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUEST FOR DEFERRAL BY INDIVIDUAL COMMISSIONER.**

05TW0100: In Midlothian Magisterial District, **CYRUS AMAN** requested approval of an alternative standard to Section 17-35 of the Subdivision Ordinance to permit the creation of a lot smaller than the average lot size in the subdivision. This development is commonly known as **MOHAWK SUBDIVISION**. This request lies in a Residential (R-15) District on a 1.35 acre parcel fronting 289.96 feet on the western line of Forest Hill Avenue, also fronting 177.3 feet on the northern line of Mohawk Drive and located in the northeast quadrant of the intersection of these roads. Tax ID 756-719-0129 (Sheet 3).

Mr. Gecker stated he wished to defer Case 05TW0100 to the November 16, 2004, Planning Commission meeting to finalize agreements with the community.

Mr. Richard Bidwell, the applicant's representative, was agreeable to the deferral as suggested by Mr. Gecker.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 05TW0100, Cyrus Aman (Mohawk Subdivision), to the November 16, 2004, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

05PW0150: In Midlothian Magisterial District, **MOSELEY ELECTRONICS** requested Planning Commission approval of a development standards waiver regarding screening of loading areas. Specifically, the applicant requests relief to Section 19-572 to allow landscaping to serve as screening for a loading area. This project is commonly known as **MOSELEY ELECTRONICS**. This request lies in a Light Industrial (I-1) District on two (2) parcels fronting approximately 366 feet on the north line of Justice Road, approximately 650 feet east of N. Otterdale Road. Tax IDs 722-710-5061 and 6163 (Sheet 5).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission found Case 05PW0150, Moseley Electronics (Moseley Electronics) substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-572 of the Zoning Ordinance to allow landscaping to serve as screening for a loading area, subject to the following conditions:

CONDITIONS

1. Evergreen trees, as approved by the Planning Department, shall be located as shown on the attached plan and shall be a minimum height of seven (7) feet at time of planting. (P)
2. Large growing habit evergreen shrubs, as approved by the Planning Department, shall be planted in the gap shown on the planting plan from the western most evergreen tree to the western property line and shall be a minimum height of four (4) feet in height at the time of planting. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05PS0163: In Clover Hill Magisterial District, **DEVELOPMENT STRATEGIES** requested amendment to the approved "Waterford Utility/Buffer Plan," schematic plan Case 89PS0020. The applicant is requesting to amend conditions of schematic approval that require construction of a berm within a utility easement as part of a fifty (50) foot buffer adjacent to a single family residential development. This project is commonly known as **COLONY CROSSING**. This request lies in a Neighborhood Business (C-2) District on a 20.83 acre parcel fronting approximately 830 feet on the west line of Charter Colony Parkway, also fronting approximately 1,150 feet on the south line of Powhite Parkway and located in the southwest quadrant of the intersection of these roads. Tax ID 727-691-8679 (Sheet 9).

Mr. Wilson stated the property owner for Cases 05PR0120 and 05PS0163, Development Strategies (Colony Crossing), was one of his clients, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 3:10 p. m.

Mr. Gary Gallagher, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of amendment to the conditions of schematic approval for the approved "Waterford Utility/Buffer Plan" (Case 89PS0020) requiring construction of a berm within a utility easement as part of a fifty (50) foot buffer adjacent to a single family residential development for Case 05PS0163, Development Strategies (Colony Crossing), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. A six (6) foot tall opaque fence shall be installed outside the buffer in graded areas that are higher in elevation than the buffer in the following locations:

- a. Adjacent to and along the entrance drive from Charter Colony Parkway to office building 1.
- b. Between office buildings 1 and 2.
- c. Along the north and west lines of the BMP pond located at the western end of the site.

Except as noted above, no fence will be required behind office buildings 2, 3 and 4 as long as a minimum of twenty-five (25) feet of existing trees are retained along the northeast side of the fifty (50) foot buffer.

2. At a minimum, existing trees within the buffer areas shall meet one and one-half times perimeter landscape C. Prior to the issuance of a Certificate of Occupancy, an inspection by an agent of the Planning Department will determine the need and extent of supplemental landscaping within the buffer area. Areas of the buffer impacted by utilities and grading shall be replanted with evergreen trees. These trees shall be in accordance with Ordinance landscape standards, and shall be a species that will thrive in the conditions where they are planted.
3. Minor adjustments to the layout may be made, provided no changes are made to, and/or adjacent to, the fifty (50) foot buffer.

AYES: Messrs. Gecker, Litton, Gulley and Bass.

ABSENT: Mr. Wilson.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

05PR0120: In Clover Hill Magisterial District, **DEVELOPMENT STRATEGIES** requested Planning Commission approval of the following site development criteria, as required by Condition 11 of Case 86SN0117: buffers along public roadways, access, conceptual landscape plans, site lighting, conceptual sign package, architecture and site development, open space, buffering and screening of loading and service areas and pedestrian walkways. This project is commonly known as **COLONY CROSSING**. This request lies in a Neighborhood Business (C-2) District on a 20.83 acre parcel fronting approximately 830 feet on the west line of Charter Colony Parkway, also fronting approximately 1,150 feet on the south line of Powhite Parkway and located in the southwest quadrant of the intersection of these roads. Tax ID 727-691-8679 (Sheet 9).

Mr. Allen presented an overview of the request and staff's recommendation, noting the addition of a condition to address concerns relative to the Powhite Parkway Extended/Charter Colony Parkway interchange.

In response to questions from the Commission, Mr. Banks addressed concerns relative to the Powhite Parkway Extended/Charter Colony Parkway interchange; preliminary road construction plans; the potential impact of the interchange right of way on the proposed site and some possible design modifications of the site and interchange plans.

Mr. Gary Gallagher, the applicant, accepted staff's recommendation included the additional condition, as amended, citing his desire to comply with his contractual obligatory commitments/deadlines and remain comfortable with the proposal while making the necessary adjustments.

There was further discussion relative to whether or not the conditions provided assurances that the County would receive the necessary right of way dedication at the appropriate time; whether or not the applicant's adjustments to the locations of buildings and/or parking lots would adversely impact the buffers adjacent to the Brandermill community; etc.

Mr. Andy Scherzer, an engineer with Balzer and Associates, supported the request, noting if the applicant failed to comply with the requirements, the County could preclude his obtaining a building permit.

Mr. Gecker expressed concerns relative to, and suggested an amendment to, the proposed condition, which he read aloud.

Messrs. Gallagher and Banks accepted the amended condition.

Mr. Allen further suggested an additional amendment relative to the buffer along Powhite Parkway Extended/Charter Colony Parkway being reduced to a minimum of ten (10) feet as required to achieve right of way dedication.

Messrs. Gecker and Gulley stated buffers were not included in the discussion at the Work Session earlier in the day; that they were uncomfortable with the request as presented; that had not seen any written documentation as to the suggested changes; and that they felt it inappropriate to discuss buffers at this late hour.

Mr. Gecker stated he did not want to penalize the applicant; however, he did not feel the buffer issue had been adequately addressed in such a manner as to not prejudice the applicant's case.

Mr. Gulley stated he felt the request should proceed to preclude adversely impacting Mr. Gallagher's contractual obligations, commitments and deadlines and requested staff explain the buffer issue.

Discussion ensued relative to buffer area requirements for the site; reduction of the buffer along Powhite Parkway Extended/Charter Colony Parkway interchange area being reduced to a minimum of ten (10) feet to assist in off-setting the impact of the right of way dedication on the site; the potential adverse impact to the Brandermill community and/or the applicant if the buffer were reduced and building/parking lot locations were adjusted; and other concerns.

Upon conclusion of the discussion, Mr. Gallagher stated he was comfortable with reduction of the buffer along Powhite Parkway Extended/Charter Colony Parkway interchange area to a minimum of ten (10) feet.

Mr. Gulley suggested a recess to allow staff an opportunity to prepare a written amendment to the condition for the Commission's review.

The Commission recessed at approximately 3:49 p. m.

The Commission reconvened at approximately 4:00 p. m.

There was no opposition present.

In response to questions from Mr. Gulley, Mr. Gallagher stated he was comfortable with the condition as amended.

The Commission agreed to proceed to consider the Field Trip Site and Dinner locations to allow staff additional time to modify the condition relative to buffers.

Mr. Wilson returned to the meeting at approximately 4:11 p. m.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to meet for dinner at .5:00 p. m. at John Howlett's Tavern.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Turner recalled Case 05PR0120, Development Strategies (Colony Crossing).

Mr. Wilson restated his conflict of interest, noting the property owner for Case 05PR0120, Development Strategies (Colony Crossing), was one of his clients; declared a conflict of interest pursuant to the Virginia Conflict of Interest Act; and excused himself from the meeting at approximately 4:12 p. m.

In response to questions from the Commission, Mr. Gallagher accepted the amended condition and expressed his appreciation to Mr. Gulley, the Commission and staff for their assistance and patience.

Mr. Gulley stated he was comfortable recommending approval of the request, subject to the recommended conditions, including amended Condition 4 as presented. He further stated that he recommended the redesign of Powhite Parkway Extended be accomplished in a manner having the least impact to the Brandermill community and the Colony Crossing developer.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of the following site development criteria, as required by Condition 11 of Case 86SN0117: buffers along public roadways, access, conceptual landscape plans, site lighting, conceptual sign package, architecture and site development, open space, buffering and screening of loading and service areas and pedestrian walkways, for Case 05PR0120, Development Strategies (Colony Crossing), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. Minor adjustments to the layout may be made, provided the overall relationship of buildings and parking to the fifty (50) foot buffer adjacent to the residential district is maintained. (P)
2. All buildings shall be compatible with the elevations submitted herein for review and approval for Colony Crossing, Building 4, prepared by Architects Dayton & Thompson. (P)
3. Final site plans shall address the site development criteria in accordance with the following review comments. (P)

REVIEW COMMENTS

1. Indicate the location and provide a detail of the six (6) foot tall opaque fence required per Condition 1 of Case 05PS0163. (P)
2. On the erosion control and grading plans indicate tree protection for the buffer area and/or proposed tree line adjacent to the residential district. (P)
3. Indicate the impact of the sewer connection on the buffer tree line adjacent to the Garrison Place Subdivision. (P)
4. Where possible, tighten up the contours within the fifty (50) foot setback along Charter Colony Parkway and Powhite Parkway to save more existing tree area. (P)
5. Prior to site plan approval, a phasing plan for the ultimate road improvements required by zoning Case 86SN0117 must be submitted to and approved by the Transportation Department. This may require additional road improvements, including, but not limited to:
 - a. An additional northbound through lane on Charter Colony Parkway.
 - b. An additional southbound left turn lane on Charter Colony Parkway at the site road intersection. (T)
6. Plans are currently being prepared for the Powhite Parkway/Charter Colony interchange. Changes to this site plan may be required based on the design of the interchange. (T)
7. Label existing trees to remain as proposed tree line, not existing tree line. (P)
8. Weeping willow trees should not be located in proximity to storm sewer, wastewater or water lines. Relocate these trees where the potential for conflicts with such utility lines exist. (P)
9. Any building mounted lighting HID light source must be submitted for review and approval, and shall be equipped with face shields to conceal the light source. (P)

10. Provide internal pedestrian walks, connecting the office buildings to each other and to the retail buildings. (P)
4. The right of way (and/or easements) along Powhite Parkway Extended and Charter Colony Parkway immediately adjacent to the property shall be dedicated free, and unrestricted, to and for the benefit of Chesterfield County, prior to the earlier of sixty (60) days from the site plan approval or the issuance of the initial building permit. The exact width of this right of way shall be determined by the Transportation Department prior to site plan approval. The buffer along Powhite Parkway Extended may be reduced to a minimum of ten (10) feet as required to achieve right of way dedication.

AYES: Messrs. Gecker, Litton, Gulley and Bass.
ABSENT: Mr. Wilson.

E. ADJOURNMENT.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission adjourned the Work Session at approximately 4:16 p. m., agreeing to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Gulley and Bass.
ABSENT: Mr. Wilson.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Janosik led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the next three (3) months, noting the November 16, 2004, agenda was comprised of thirteen (13) cases, the December 13, 2004, agenda was comprised of fifteen (15) cases and the January 18, 2005, agenda was comprised of fifteen (15) cases.

Mr. Gecker introduced and welcomed Mr. Mike Packer, an attorney recently joining the Chesterfield County School System.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **REQUEST FOR DEFERRAL BY APPLICANT.**

04SN0274: In Midlothian Magisterial District, **TC MIDATLANTIC DEVELOPMENT INC.** requested deferral to the regularly scheduled February 2005 meeting of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use. This request lies on 37.1 acres fronting approximately 1,000 feet on the north line of Midlothian Turnpike across from Watkins Center Parkway. Tax IDs 714-712-9323; 715-711-0444 and 4043; 715-712-3508; 716-713-Part of 5414; and 717-708-Part of 4353 (Sheet 5).

Mr. John V. Cogbill, III, the applicant's representative, requested deferral to the regularly scheduled February 2005 Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0274 to the regularly scheduled February 2005 Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUEST FOR DEFERRAL BY INDIVIDUAL COMMISSIONER.**

04SN0314: In Bermuda Magisterial District, **TASCON GROUP, INC.** requested rezoning and amendment of zoning district map from Neighborhood Business (C-2), Corporate Office (O-2) and Residential Townhouse (R-TH) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for mixed use: neighborhood office and single family residential use. This request lies on 51.8 acres fronting approximately 2,500 feet on the north line of Iron Bridge Road, also fronting approximately 1,200 feet on the east line of Chalkley Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 779-654-Part of 8243; 780-653-Part of 6032 and 7185; 780-654-Part of 0614 and 8207; 781-652-5796; 781-653-0770, 7245 and 9416; and 782-653-0241 (Sheet 26).

Mr. Andy Scherzer, the applicant's representative, agreed to Mr. Wilson's deferral of Case 04SN0314 to the November 16, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 04SN0314 to the November 16, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

04SN0320: In Dale Magisterial District, **KENNETH MORRIS** requested Conditional Use and amendment of zoning district map to permit a pet grooming shop in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 2.3 acres and is known as 8501 Hopkins Road. Tax ID 785-672-0630 (Sheet 18).

Mr. Kenneth Morris, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0320 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for Kenneth or Clea Morris only and shall not be transferable or run with the land. (P)
2. There shall be no signs permitted to identify this use. (P)
3. There shall be no outside holding pens or runs. (P)
4. This use shall not be open to the public before 8:00 AM and after 6:00 PM, Monday through Saturday or on Sunday. (P)
5. Grooming services shall not include dipping (i.e., flea and/or tick removal) services or any other services that would result in disposal of pesticides. (P)
6. Pet grooming services shall be restricted to within the residence and to an accessory building of no more than 350 square feet in area. Any new structure shall have a residential architectural appearance. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0322: In Bermuda Magisterial District, **TONY & ATHENA S. AGAPIS** requested rezoning and amendment of zoning district map from Residential (R-7) to General Business (C-5). The density of such

amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 0.2 acre fronting approximately fifty (50) feet on the north line of Osborne Road, approximately 130 feet east of Elokomin Avenue. Tax ID 798-659-0550 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 04SN0322 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Prior to any site plan approval, thirty-five (35) feet of right of way along the south side of Osborne Road, measured from the centerline of that part of Osborne Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. No direct access shall be provided from the request property to or from Osborne Road. (T)
3. There shall be no parking between the rear line of the Building and the eastern property line. (P)
4. The uses permitted shall be limited to offices and medical clinics. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

05SN0149: In Bermuda Magisterial District, **REYMET INVESTMENTS, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Heavy Industrial (I-3) of 4.0 acres with Conditional Use to permit construction/demolition/debris waste transfer on this property and 14.3 acres currently zoned Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 18.3 acres and is known as 1711 Reymet Road. Tax ID 799-667-1806 (Sheet 18).

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation.

Ms. Ann Banks, representing the residents of Jean Drive, voiced opposition to the request, expressed concerns relative to Proffered Condition 2 and asked for clarification.

Since there was opposition present, it was the consensus of the Commission to place Case 05SN0149 with those cases requiring discussion.

Mr. Gecker suggested that, in the interim, Mr. Collins meet with Ms. Banks to discuss her concerns.

05SN0153 and 05SN0156: In Midlothian Magisterial District, **CHESTERFIELD COUNTY PLANNING COMMISSION** requested amendment to Conditional Use Planned Development (Case 91SN0172) and amendment of zoning district map to permit bulk exceptions in the Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 2.51 to 4.0 units per acre. This request is known as part of the Ridgemoor and Scotter Hills Developments which lie on the east and west lines of Grove Hill Road, south of Woolridge Road. Lots 1 through 27, 29 through 33 and 35 through 66 of the Ridgemoor Development and Lots 1 through 44, 47 through 60, 65 through 75, 77 through 79 and 81 of the Scotter Hills Development (Sheets 5 and 6).

Mr. Andy Scherzer, representing the property owner, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0153 (also refer to Case 05SN0156), subject to the following conditions:

CONDITION

For R-TH uses, the following bulk exceptions shall apply for development on the subject property:

1. Side yard. A side yard of not less than ten (10) feet in width shall be provided for each end residence in townhouse groups or rows having three (3) or more lots.
2. Corner side yard. A corner side yard of not less than ten (10) feet.
3. Rear yard. A rear yard of not less than nineteen (19) feet. (P)

(NOTE: This condition amends Item II of the Textual Statement for Case 91SN0172 for the subject property only. All other conditions of Case 91SN0172 remain in effect.)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0219: In Bermuda Magisterial District, **IRONBRIDGE BOULEVARD LLC** requested rezoning and amendment of zoning district map from Neighborhood Business (C-2) and Corporate Office (O-2) to Residential Townhouse (R-TH). Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 20 acres fronting approximately 1,100 feet on the north line of Ironbridge Parkway, also fronting approximately 1,300 feet on the west line of Ironbridge Boulevard and located in the northwest quadrant of the intersection of these roads. Tax ID 775-656-4862 (Sheet 25).

Mr. Larry Horton, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. The minimum gross floor area of each dwelling unit shall be 1,750 square feet. (BI & P)
4. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
5. The architectural appearance and materials shall be similar to the building elevations attached as Exhibits "A" and "B", dated 8/1/04, and employ the following materials: brick or stone veneer, composition siding, hardiplank or vinyl siding and 20 year asphalt shingles. Within each row of townhouse dwelling units, a minimum of 30% of the dwelling units shall have front elevations constructed of brick or stone, excluding windows, doors and architectural features. A minimum of fifty-one percent (51%) of the total units shall initially be constructed with a one (1) car garage. Further, for townhouse groups containing six (6) or more units, each unit shall initially be constructed with a one (1) car garage. (BI & P)
6. All dwelling units shall have paved driveways. The exact treatment shall be approved at the time of tentative subdivision plan review. (P)
7. Light poles shall have a maximum height of fifteen (15) feet. (P)
8. The applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
 - a. \$9,000 per dwelling unit, if paid prior to July 1, 2004; or
 - b. The amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by an increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made if paid prior to June 30, 2004.
 - c. In the event the cash payment is not used for the purpose for which proffered within fifteen (15) years of receipt, the cash shall be returned in full to the payor. (B&M)

9. The maximum number of dwelling units shall not exceed 130 units if the recreational amenities outlined in Proffered Condition 18 are provided on-site; however, the total number of permitted dwelling units may be increased to a maximum of 136 units if such recreational amenities are provided off-site, subject to the requirements outlined in Proffered Condition 18. (P)
10. No direct access shall be provided from the property to Ironbridge Boulevard. Direct access from the property to Ironbridge Parkway shall be limited to two (2) public roads. The exact location of these accesses shall be approved by the Transportation Department. (T)
11. Prior to the issuance of an occupancy permit, an eastbound left turn lane shall be constructed along Ironbridge Parkway at the existing crossover located approximately 1,000 feet west from the Ironbridge Boulevard intersection. The developer shall dedicate to and for the benefit of Chesterfield County, free and unrestricted, or any additional right-of-way (or easements) required for this improvements. (T)
12. All roads that accommodate general traffic circulation through the property, as determined by the Transportation Department, shall be designed and constructed to State standards and taken into the State System. Setbacks from these public roads shall be identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. This condition may be modified by the Transportation Department if it is determined that the roads or any part of such roads cannot be designated for State acceptance. For any roads which accommodate general traffic circulation through the development that are not be a part of the State System, a plan that insures the continual maintenance of the private streets shall be submitted to, and approved by the Transportation Department. (T)
13. Areas shall be provided within the development to accommodate a minimum of ten (10) overflow parking spaces generally as shown on the conceptual site plan Exhibit "C" dated 10/8/04. Such parking shall be in addition to Ordinance requirements and may be provided within right of way subject to VDOT approval or within common areas. The exact treatment and location of the parking shall be addressed at the time of tentative subdivision review. (P)
14. Within the area designated as "additional landscaping areas" shown on conceptual site plan Exhibit "C" dated 10/8/04, landscaping in addition to Ordinance requirements shall be provided to minimize view of the units from Ironbridge Parkway and Ironbridge Boulevard. The exact species, size and spacing shall be approved at the time of subdivision review. (P)
15. Any project identification sign shall be a monument design and shall not exceed a height of six (6) feet. (P)
16. A fifty (50) foot buffer shall be provided along the western property boundary. This buffer shall be located within recorded open space and shall comply with the requirements of the Zoning Ordinance. (P)

17. The tentative subdivision plat shall be submitted for Planning Commission review and approval, as set forth in Section 17-23 of the Subdivision Ordinance. The applicant shall notify the last known President of the Arbor Landing Homeowners Association, the Bel Arbor Homeowners Association and the Ironbridge Parkway Owners Association on file with the Planning Department at least twenty-one (21) days prior to the Planning Commission's consideration of the tentative subdivision, of the time and date of tentative plan consideration. (P)
18. Prior to the issuance of building permits for more than fifty (50) dwelling units, at a minimum, the following recreational facilities shall be completed as determined by the Planning Department:
 - a. A twenty (20) foot by forty (40) foot swimming pool;
 - b. A 1,000 gross square foot accessory building for the pool; and,
 - c. One (1) tennis court or basketball court.

The Planning Commission may modify this condition at the time of tentative subdivision review provided an acceptable alternative agreement exists to provide for active recreational facilities off-site.

(Note: Recreational area required by the Zoning Ordinance, Section 19-105(o), must still be provided on-site.)

19. Any on-site recreational facilities shall be subject to the following restrictions:
 - a) There shall be no outside public address systems or speakers.
 - b) With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor play fields, courts, swimming pools and similar active recreational areas shall be located a minimum of one hundred (100) feet from any existing detached single family residential lot lines and a minimum of thirty-five (35) feet from any existing public road.
 - c) Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - d) The location of all active recreational uses shall be identified in conjunction with the submittal of the first tentative subdivision plan.
 - e) In conjunction with the recordation of any lot adjacent to active recreational area(s), such area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions. (P)

20. The following shall be recorded as restrictive covenants in conjunction with the recordation of any subdivision plat for the Property:
- a. All lots shall be subject to all the covenants, conditions, and restrictions currently in effect for the Ironbridge Property Owners Association;
 - b. The storage of boats and recreational vehicles (RVs) on the public streets shall be prohibited.
 - c. No curbside trash pickup will be permitted.
 - d. No garage shall be converted to permanent living space. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CODE AMENDMENTS.**

◆ **APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS FOR HISTORICALLY DESIGNATED PROPERTIES.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-51 of the Zoning Ordinance relating to applications for Certificates of Appropriateness for historically designated properties.

◆ ◆ ◆

Mr. Haasch presented an overview of the proposed Code Amendment and staff's recommendation, noting the Amendment was requested, and unanimously supported, as presented, by the Historic Preservation Committee.

No one came forward in support of, or in opposition to, the proposal.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 19-51 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

Sec. 19-51. Certificates of appropriateness.

(a) *Authority.* The preservation committee, acting as a body, shall have authority to issue certificates of appropriateness, in accordance with the provisions of this section.

(b) *Certificate required.* With regard to buildings, structures or other improvements to the premises which have been designated as landmarks or landmark sites or which are located within a designated historic district it shall be unlawful:

- (1) For any person to perform, cause or permit any construction, alteration or remodeling that would affect the exterior architectural appearance or property thereof;
 - (2) For any person to remove, move, demolish or commit any other land disturbing activities with regard to them; or
 - (3) For any person to secure or issue a building permit authorizing any such work, unless a certificate of appropriateness with respect to such works shall have first been issued pursuant to this section.
- (c) *Applications for certificates of appropriateness.*
- (1) Applications for certificates of appropriateness shall be submitted to the director of planning in such form as the preservation committee shall prescribe.
 - (2) When the work to be performed in conformance with a certificate of appropriateness requires ~~the issuance of a zoning approval or other permit or approval~~, no application for a certificate of appropriateness shall be acted on until such ~~other~~ approval has been issued. ~~The issuance of any such other approval shall not be deemed to establish any right to the issuance of a~~ A certificate of appropriateness and such certificates shall be issued or denied solely on the basis of the standards established by this chapter.

o o o

(2) *That this ordinance become effective immediately upon adoption. (1923:66497.1)*

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **HOME OCCUPATIONS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended by amending and re-enacting Sections 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108 and 19-301. This amendment would improve Ordinance formatting, home occupations are moved from accessory to restricted uses; dance studios, motor vehicle repair, motor vehicle towing, motor vehicle painting or body work, motor vehicle detailing, private clubs and trash collection are prohibited as home occupations; standards are moved from definitions to restricted uses in R, R-TH and R-MF Districts; and restrictions for customers, storage, vehicle parking and residency requirements are added.

◆ ◆ ◆

Mr. Janosik presented an overview of the proposed Code Amendment and staff's recommendation for approval with deletion of the section relating to motor vehicle towing on page 6 of the Amendment. He noted that Police Department staff was present to address concerns and/or answer any questions the Commission may have.

Mr. Steve Boles, a resident of Kilrenny Road, addressed concerns relative to the tow truck issue and distributed photographs depicting the visual impact created by allowing these types of vehicles to park on

residential streets; questioned the appropriateness of zoning that allowed this type of vehicle to park in residential communities; and cited concerns relative to noise; impaired visibility and parking space limitations along residential streets created by the large vehicles; the hours of operation; the visual appearance of the towing vehicles detracting from the community and impacting property values; and advertisements on the sides of the vehicles.

Messrs. Anthony Purcell, owner of Sunrise Towing; Ray Cullop, owner of Ray's Towing; and Edward Hudson, a towing business owner; stated that operators of towing vehicles under County contract were required to respond to County towing requests within a specified time limit (30 minutes) and precluding operators from being able to park their towing vehicles at their residences would result in non-compliance with their County contracts which would adversely impact their businesses financially. They pointed out the majority of towing businesses have storage facilities to which they transport disabled/wrecked vehicles so they do not take them to their residences; that the diesel engines on the rollbacks/towing trucks did not generate any more noise than comparable pickup trucks and/or SUVs manufactured with the same size engine; that their vehicles were in compliance with the legal requirements for towing advertisements; and that taxes on commercial vehicles were much higher, and generated more tax dollars, than personal use vehicles.

In response to a question from Mr. Gecker, Mr. Purcell stated he had no objection to amending the Code to reflect that disabled/damaged vehicles were prohibited from being transported to the operators' residences.

Captain Mike Spraker and Sergeant D. D. Deringer, Chesterfield County Police Department Support Services Division staff, were present.

Captain Spraker briefly outlined the County policy relative to towing contracts, noting there were approximately twenty-five (25) contracted companies within the County operating approximately sixty (60) vehicles of various sizes. He confirmed the thirty (30) minute timeframe standard to which towing operators must respond and explained that many operators took their vehicles home to be able to comply with the response standard.

In response to questions from the Commission, Captain Spraker stated the vehicle depicted in the photographs submitted by Mr. Boles had been but was no longer one of the Police Department contractors.

There was discussion relative to whether or not the Commission could distinguish between contract versus non-contract towing businesses being allowed as home occupations; jurisdictional authority and enforcement of the regulations; amendment of the Code to preclude parking of towing vehicles on residential streets; whether or not the Ordinance restricted the size of tow trucks; the timeframe within which the Commission needed to take action on the proposal; and other issues.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission resolved to defer the proposed Ordinance Amendment relative to home occupations to the November 16, 2004, Planning Commission Work Session; directed staff to prepare an Agenda Item to the Board of Supervisors requesting that the timeframe for review of and recommendation on the proposed Ordinance Amendment be extended; and that staff provide information to assist in the establishment of certain parameters for the Commission's review to amend the Code to preclude the parking of tow trucks on residential streets and from within neighborhoods when they have towed vehicles attached.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Turner recalled Case 05SN0149, Reymet Investments, LLC.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SN0149: In Bermuda Magisterial District, **REYMET INVESTMENTS, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Heavy Industrial (I-3) of 4.0 acres with Conditional Use to permit construction/demolition/debris waste transfer on this property and 14.3 acres currently zoned Heavy Industrial (I-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 18.3 acres and is known as 1711 Reymet Road. Tax ID 799-667-1806 (Sheet 18).

Mr. Clay presented an overview of the request and staff's recommendation.

In response to Mr. Gulley's questions, Mr. Clay addressed concerns relative to anticipated traffic flow patterns from Willis Road and/or Interstate 95 to and from the subject property that could potentially impact area residential streets.

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation, noting the requested zoning and land use conformed to the area Plan and was compatible with existing and anticipated area industrial development. He pointed out that the request was located within a Post Development Area, the purpose of which standards were to provide flexible design criteria in areas that had already experienced development and ensure continuity of development. He stated the site had been developed for industrial use and consisted of structures enclosed with a chain link fence and locked gate; that vehicles receiving construction/demolition/debris materials from area construction sites would transport the materials to the request property, transfer the materials to trailers stationed on the property and once the trailers were filled, transport the materials to area landfills for disposal; that the proposed use would generate only a limited amount of traffic; and that access would be provided via a paved driveway to Reymet Road.

Mr. Gecker opened the discussion for public comment.

Ms. Ann Barnes, representing residents of Jean Drive, opposed the request, citing concerns relative to the appropriateness of the use; the close proximity of the use to residential development; the potential expansion of the site to a landfill; increased traffic that would be generated by vehicles traveling to and from the subject site; and the lack of buffers to screen the use from residential properties. She asked the Commission to consider modifying the request to restrict the amount of traffic on Reymet Road and to not take actions that would negatively impact or overburden low income, minority communities.

There being no one else to speak, Mr. Gecker closed the public comment.

There was discussion relative to the current zoning of the property and existing uses; area development trends and the appropriateness of an industrial use on the property; the types of materials stored on the site; if there was the potential that the site would become a landfill; and other issues.

In rebuttal, Mr. Collins restated his previous comments, noting he felt the proposed use was appropriate for the site, would serve to revitalize the area and asked the Commission to consider a favorable recommendation.

Mr. Wilson stated community meetings to discuss this request were well-attended; the area was zoned and planned for industrial use; this proposal provided an economic development opportunity; the traffic concerns had been addressed given the anticipation that the majority of the traffic would travel Coach Road, Willis Road and Interstate 95; and he felt a recommendation for approval was appropriate.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0149 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Prior to site plan approval, thirty-five (35) feet of right-of-way on the south side of Reymet Road, measured from the centerline of that part of Reymet Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
2. Direct access from the property to Reymet Road shall be limited to the one (1) existing entrance/exit. Any modification to this access shall be approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0279: In Clover Hill Magisterial District, **BRUCE M. GALLAGHER AND RHONDA B. GALLAGHER** requested Conditional Use and amendment of zoning district map to permit a business (lawn care) in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 - 2.5 dwelling units per acre. This request lies on 2.0 acres and is known as 5710 Qualla Road. Tax ID 746-675-9350 (Sheet 16).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed land use failed to conform to the area Plan and the use was incompatible with existing and future area development. She added that to address concerns of area citizens and the Clover Hill District Planning Commissioner, the applicant submitted revised and additional proffered conditions, specifically, to clarify that the Conditional Use would be granted to either Bruce or Ronda Gallagher or both and to establish a time limitation; hours of operation; and outside storage limitations, as reflected in Proffered Conditions 1, 3, 5 and 6; however, staff continued to recommend denial of the request.

Mr. and Mrs. Gallagher, the applicants, did not accept the recommendation for denial but did accept the proffered conditions, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley stated he had met with Mr. and Mrs. Gallagher and area residents to discuss the request and felt the conditions outlined in the "Request Analysis" and the revised/additional conditions outlined in the

Addendum adequately resolved concerns that had been expressed. He stated the Gallaghers were moving from their present location but intended to relocate their business within the County and he felt allowing them time to relocate the business was appropriate.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 04SN0279 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for Bruce M. Gallagher and/or Ronda B. Gallagher, exclusively, and shall not be transferable or run with the land. (P)
2. The lawn care contractor's shop shall be located within the two (2) existing detached accessory structures (garage structure and shed). There shall be no further additions or expansions to the existing buildings to accommodate this use. (P)
3. The lawn care contractor's shop shall be permitted for a maximum of eighteen (18) months from the date of approval of this request. (P)
4. There shall be no signs permitted to identify this use. (P)
5. Hours of operation shall be restricted to between 7 a.m. and 7 p.m. Monday through Saturday. No Sunday operation shall be permitted. (P)
6. Except for a 400 square foot area used for mulch storage adjacent to the existing garage and for storage within the existing open carport structure attached to the garage, outside storage shall not be permitted. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0326: In Bermuda Magisterial District, **RIVER FOREST DEVELOPMENT COMPANY, LLC** requested rezoning and amendment of zoning district map from Multifamily Residential (R-MF) and Light Industrial (I-1) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 23.8 acres fronting approximately 1,600 feet on the north line of Carver Heights Drive, approximately 200 feet west of West Booker Boulevard. Tax IDs 778-651-6195, 779-651-4095 and 779-652-8201 (Sheet 26).

Ms. Peterson presented an overview of the request and staff's recommendation for approval, subject to the applicant adequately addressing the impact of this development on capital facilities, setbacks for structures from commercial property to the north and the project focal point.

Mr. Ed Kidd, the applicant's representative, did not accept the recommendation and addressed staff's concerns regarding cash proffers for schools, setbacks for structures from commercial property to the north and the project focal point, noting that the applicant's proffered conditions adequately addressed capital facilities needs. He stated the common area recreational amenities included within the property would be

predominantly for adults, thereby negating the need to fully address cash proffers for school capital facilities; that the applicant had offered one-half (½) acre focal point areas versus staff' recommended three-quarter (¾) acre recommendation; and that the applicant's proffered condition addressing the setback reduction along the northern project boundary, east of Chalkley Road and adjacent to the adjoining C-3 District, provided adequate visual mitigation from view of the neighboring commercial developments.

Mr. Gecker opened the discussion for public comment.

Mr. C. F. "Sonny" Currin, an adjacent property owner, stated he did not oppose the proposed use but was concerned that approval of the applicant's rezoning would penalize development on his property by increasing the setback/buffer requirement and inquired if the Commission would go on record guaranteeing him a reduction in his buffer requirement at the time he developed the property.

In response to Mr. Currin's inquiry, Mr. Gecker indicated the Commission could not make such a commitment.

Mr. Craig Follo, a resident of Foxwood Road and representative for the Stoney Glenn Community Association, and Ms. Lisa Wright, a resident of Reeds Point Subdivision, supported owner-occupied projects but expressed concern as to the absence of an "age-restricted" proffer relative to the development's impact on school capital facilities.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Wilson stated he was not aware of any meetings being conducted to address community concerns and felt the request should be deferred to allow time for the applicant, area property owners and himself to meet to discuss the proposal.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 04SN0326 to the November 16, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

04SN0182: (Amended) In Dale Magisterial District, **GEORGE P. EMERSON, JR.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-40). Residential use of up to 1.09 units per acre is permitted in a Residential (R-40) District. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots suited to Residential (R-88) zoning. This request lies on 438 acres fronting approximately 1,100 feet on the south line of Nash Road approximately 3,100 feet northeast of East Fair Drive, also fronting 1,400 feet on the east line of East Fair Drive approximately 450 feet north of Regalia Drive. Tax ID 768-654-1587 (Sheet 25).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the request failed to comply with the land use recommendations of the Plan; did not address concerns of the Environmental Engineering Department relative to the impact of additional runoff into the existing pond; and while Proffered Condition 3(e) offered a cash contribution to assist in defraying the cost of the proposed development on road infrastructure, the proffered conditions did not adequately mitigate the impact of this development on capital facilities (schools, parks, libraries and fire stations) and did not assure that adequate service levels would be maintained as necessary to protect the health, safety and welfare of

County citizens. She referenced the Addendum, noting that to address comments from the Environmental Engineering and Utilities Departments and concerns of the Dale District Planning Commissioner, the applicant withdrew Proffered Condition 1 noted in the "Request Analysis" relative to public water use and replaced it with Proffered Condition 1 relative to the impact of additional runoff into an existing pond which straddles an adjacent property boundary and, in addition, submitted Proffered Condition 6 prohibiting manufactured homes.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, did not accept the recommendation, noting the applicant intended to develop a quality project comparable to The Highlands; that approval of the R-40 zoning would allow flexibility to locate septic systems on the lots; and the cash contribution to assist in defraying the cost of the proposed development on road infrastructure could be used toward road improvements such as the reconstruction of Nash Road or an extension of Nash Road from Beach Road to Iron Bridge Road (Route 10).

Mr. Gecker opened the discussion for public comment.

Mr. Lin Hillman, a resident of The Highlands and President of the Highlands Homeowners Association, voiced support for the request, noting the development would be comparable to and complement The Highlands and the cash contribution to assist in defraying the cost of the proposed development on road infrastructure was an innovative approach to resolve area traffic problems, particularly along Nash Road and from Beach Road to Iron Bridge Road (Route 10).

When asked by Mr. Hillman, approximately forty (40) citizens stood in support of the request.

Mr. William Waggoner, an area resident, voiced opposition to this and other future area developments and asked that a moratorium be placed on such developments until the appropriate infrastructure was in place to mitigate the impact of the developments on capital facilities and ensure that adequate service levels would be maintained to protect the health, safety and welfare of County citizens.

Ms. Marlene Durfee, representing the Task Force for Responsible Growth, expressed concern that the County was inconsistent in the application of its Plan guidelines for residential development; that although transportation network improvements were a priority in the County, other capital facilities needs such as schools should not be forgotten; and asked the Commission to consider supporting staff's recommendation for denial.

There being no one else to speak, Mr. Gecker closed the public comment.

There was discussion relative to the applicant's cash contribution to assist in defraying the cost of the proposed development on the road infrastructure; the cost for road improvements such as turn lanes, widening and surfacing of roads, right of way dedication, improvements to shoulders and substandard vertical and horizontal alignments; reconstruction of Nash Road or an extension of Nash Road from Beach Road to Route 10; and other concerns.

In response to questions from the Commission, Mr. McCracken stated he supported the request, as presented, noting he believed the proposal provided an option that was in the best interest of area residents and the overall County.

Mr. Gecker stated he supported the concept of providing for road improvements; however, felt the request was premature.

Mr. Gulley stated a similar concept was being considered in his District and inquired why the cash contribution could not be targeted for a specific segment of Nash Road instead of being designated for the transportation shed in which the property was located.

Mr. Bass questioned the statistics outlined in the "Request Analysis" relative to current school enrollments/capacities and the applicant's failure to address the impact of this development on schools. He expressed concern that the applicant had offered cash to assist in defraying the impact of the project only on roads, noting that, although he intended to support the request, if the upcoming Bond Referendum were not approved, this development's impact on other capital facilities needs (i.e., schools, parks, libraries and fire stations, police and EMS services) would exacerbate an already serious situation.

In response to Mr. Bass' comments, Mr. Mike Packer, attorney for the School System, concurred that accurate enrollment statistics were necessary to make qualified determinations and he found it difficult to understand why consideration would be given to deviating from the Board's Cash Proffer Policy.

Mr. Wilson stated he also had concerns relative to the impact of this development on schools and was not comfortable that enrollment issues would be resolved unless the Bond Referendum were approved.

Mr. Gulley stated he was more concerned about infrastructure needs than he was with R-40 versus R-88 zoning for this property and, although he preferred the proffered conditions be in a better form, he trusted Mr. McCracken's judgment and felt a recommendation for approval of the request was appropriate.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 04SN0182 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

George P. Emerson, Jr. (the "Applicant"), pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the parcel known as Chesterfield County Tax Identification Numbers 768-654-1587 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-40 is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. (a) If the existing dam and pond straddling an adjacent property line is used for the project's BMP, then it shall be retrofitted to meet current day standards as outlined in the Environmental Engineering reference manual to include, but not limited to, property primary spillways, emergency spillways, and structural stability. The retrofit design shall be performed by a qualified professional and all remedial action shall take place in conjunction with that phase of development which is located within the dam's contributory drainage way.

- (b) If the proper easements can not be obtained to retrofit the existing facility, identified in item 1(a), upstream BMPs shall be constructed to render the existing primary spillways adequate to pass the ten (10) year storm. (EE)
- 2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department, and the approved devices have been installed. (EE)
- 3. Transportation
 - a. Accesses. Direct access from the Property to Nash Road shall be limited to no more than one (1) public road (the "Nash Road Access"). Direct access from the Property to Eastfair Drive accesses"). The exact location of these accesses shall be approved by the Transportation Department.
 - b. Nash Road Improvements. If the Nash Road Access is constructed, the Applicant shall be responsible for the following:
 - (i) Widening/improving the east side of Nash Road to an eleven (11) foot wide travel lane, measured from the centerline of Nash Road with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire property frontage.
 - (ii) Construction of additional pavement along Nash Road at the Nash Road Access to provide left and right turn lanes.
 - (iii) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Applicant is unable to acquire the right-of-way necessary for the road improvements identified in Proffered Conditions 3(b)(i) and 3(b)(ii), the Applicant may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Applicant. In the event the County chooses not to assist the Applicant in acquisition of such "off-site" right-of-way, the Applicant shall be relieved of the obligation to acquire such "off-site" right-of way, and shall only be obligated to provide the road improvement than can be accommodated within available right-of-way as determined by the Transportation Department.

- c. Eastfair Drive Improvements. If one or both of the Eastfair Drive Accesses are constructed, the Applicant shall be responsible for the following:
- (i) Construction of additional pavement along Eastfair Drive at the Eastfaire Drive Accesses to provide left and right turn lanes, based on Transportation Department standards.
 - (ii) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified in Proffered Conditions 3(c)(i).
- d. Transportation Phasing Plan. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Conditions 3(b) and 3(c)(i), shall be submitted to and approved by the Transportation Department.
- e. Transportation Contribution. The Applicant, his successor, or his assigns shall pay to Chesterfield County either: 1) prior to the issuance of the first building permit, the sum of \$400,000 and each year from the date off that initial payment thereafter, shall pay another \$400,000 until all the lots on the Property have been recorded or until these cumulative payments equal to \$2,000,000, whichever occurs first; or 2) prior to the issuance of the initial building permit within each recorded subdivision section, the sum of \$9,522 multiplied by the total number of lots in that subdivision section. The Applicant, his successor, or his assigns shall pay the one of these two options that provides a greater dollar amount to Chesterfield County each year. In no event shall the total amount paid by the Applicant, his successor, or assigns at the completion of development exceed or be less than the total number of lots recorded on the Property multiplied by \$9,522. The payments shall be used for road improvements within Traffic Shed 17 or for road improvements that provide relief to that Traffic Shed, as determined by the Transportation Department. The payments could be used towards road improvements such as the reconstruction of Nash Road or an extension of Nash Road from Beach Road to Iron Bridge Road (Route 10)
- f. Dedication of Right-of-Way. . In conjunction with recordation of the initial subdivision plat or within sixty (60) days from a written request by the County, whichever occurs first, forty-five (45) feet of right-of-way on the east side of Nash Road, measured from a revised centerline of Nash Road based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, immediately adjacent to the Property shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

4. Trail/Open Space along Swift Creek

- a. An open space area, a minimum of 150 feet in width shall be provided along the length of Swift Creek from the northern to the southern parcel boundaries. Within this area the developer shall provide a trail. The exact length, width, and treatment of the trail shall be submitted to the Department of parks and Recreation for comments. The open space/trail shall be owned and maintained by the homeowners Association. (P&R)

5. Covenants Conditions, and Restrictions. It is the intention of the Applicant to incorporate the lots in this parcel into the Community known as the Highlands and to that end, restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat for the Property, which will subject said lots to all the covenants, conditions, and restriction currently in effect in all sections of the Highlands. (P)

6. Manufactured Homes.

- (a) Manufactured homes shall not be permitted on the Property. This proffered condition shall not be interpreted to prohibit the installation of any mobile real estate sales office permitted on the property by an approved Conditional Use, which shall not be used for dwelling purposes.
- (b) The following shall be recorded as a restrictive covenant in conjunction with the recordation of any subdivision plat for the property: "No manufactured homes shall be allowed to become a residence, temporary or otherwise." (P)

AYES: Messrs. Litton, Wilson, Gulley and Bass.

NAYS: Mr. Gecker.

03SN0332: (Amended) In Matoaca Magisterial District, **FAIRWEATHER INVESTMENTS, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use to permit recreational facilities on up to 20 acres. Residential use of up to 0.5 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use with 1-5 acre lots suited to Residential (R-88) zoning. This request lies on 1,430 acres fronting approximately 11,600 feet on the east line of Nash Road across from Reedy Branch Road, also fronting in three (3) places for 7,050 feet on the west line of Cattail Road across from Reedy Branch and Rowlett Roads. Tax ID 759-636-6377 (Sheets 33 and 40).

Ms. Orr presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing the impact of the development on capital facilities, noting the applicant had offered a cash contribution to assist in defraying the cost of the proposed development on road infrastructure; however, the proffered conditions did not adequately mitigate the impact of this development on capital facilities (schools, parks, libraries and fire stations) and did not assure that adequate service levels would be maintained as necessary to protect the health, safety and welfare of County citizens

Mr. John V. Cogbill, III, the applicant's representative, did not accept the recommendation; however, continued to offer the proffered conditions as submitted, noting that this was a unique project in that the applicant was offering a cash contribution to assist in defraying the cost of the proposed development on road infrastructure which could be used toward road improvements to, and the correction of seven (7) substandard alignments on, Nash Road; complied with the area Plan; and addressed residents concerns relative to the installation of public water services to their property.

Mr. Gecker opened the discussion for public comment.

Mr. Mike McKey, an area resident; Ms. Pam Kimball, a resident of Reedy Branch Road; Mr. Will Waggoner, a resident of Reedy Branch Road; and Ms. Marlene Durfee, representing the Task Force for Responsible Growth; voice opposition to the request, citing concerns relative the impact of the proposed development on capital facilities; the lack of appropriate infrastructure to accommodate existing and future area development; increased traffic volumes on Nash and Beach Roads; the need for improvements to substandard area road conditions and alignments; potential groundwater contamination from septic system use; preservation of area wetlands; inconsistent application of area Plan guidelines for residential development; the applicant's failure to address only transportation infrastructure needs and not school, park, library, fire, police, emergency service and other capital facilities needs; and other concerns.

Mr. Reuben Waller, a Midlothian District resident and realtor; stated that the development community was a major industry within the County and had contributed to the creation of a community in which people desired to live, work and raise children; and expressed concern that a representative of the School Administration was not present to address issues that had been raised.

Mr. Rich Carroll, a resident of Cattail Road, voiced support for the proposal and continued growth in the County.

Mr. Jerry Journigan, a Matoaca District resident, also voiced support for the request, noting he felt the proposed use conformed to the Plan and adequately addressed area transportation needs.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Cogbill addressed concerns relative to buffers, road widening and the impact of the proposed development on schools, noting he did not dispute the development would have an impact on schools but he felt the impact would be less than anticipated.

There was discussion relative to, and staff answered questions concerning, the impact of the development on capital facilities, interpretation of Proffered Condition 8 relative to payment of the cash contribution to the County to assist in defraying the cost of the proposed development on road infrastructure; and other concerns.

Mr. Bass discussed area police, fire and emergency medical services in the area, noting that the request property was served by the Phillips Volunteer Fire Station and Ettrick-Matoaca Volunteer Rescue Squad; that area schools were under capacity; and expressed concern relative to the ambiguity of the language in Proffered Condition 8 as it could override the amount of revenue the County may receive from this development.

In response to questions from the Commission, Mr. McCracken stated he supported the request, as submitted.

In response to concerns expressed by the Commission concerning the ambiguity of the language in Proffered Condition 8, Messrs. Cogbill and Emerson indicated the language would be refined to address the Commission's concerns prior to the request being considered by the Board of Supervisors.

Mr. Gecker stated he felt the request was premature; approval of the request was tantamount to mortgaging the future; and he could not support the proposal.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 03SN0332 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Number 759-636-6377 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-88 with Conditional Use is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Utilities. In the event that the Developer is unable to acquire the easements necessary for installation of an extension of the public water line, the Developer may request, in writing, the County to acquire such easements. If eligible, County staff shall pursue such authorization to assist the Developer in the acquisition of such easements. (U)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Density. The total number of single family residential units shall not exceed 0.5 single family residential units per acre. (P)
4. Dedications of Right-of-Way. In conjunction with recordation of the initial subdivision plat or prior to any site plan approval, whichever occurs first, the following rights-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
 - a. Forty-five (45) feet of right-of-way on the east side of Nash Road, measured from a revised centerline of Nash Road based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, immediately adjacent to the Property.

- b. Forty-five (45) feet of right-of-way on the west side of Cattail Road, measured from a revised centerline of Cattail Road based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, immediately adjacent to the Property.
- c. A ninety (90) foot wide right-of-way for the extension of Reedy Branch Road ("Reedy Branch Extended") from Nash Road at the Reedy Branch Road intersection through the Property to Cattail Road at the Reedy Branch Road intersection, based on VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department. The exact location of this right-of-way shall be approved by the Transportation Department.
- d. A two hundred (200) foot wide limited access right-of-way for an east/west freeway ("East/West Freeway") from Nash Road through the northern part of the Property to the northern Property line based on VDOT Rural Principal Arterial (60 MPH) standards with modifications approved by the Transportation Department. In addition, a variable width right-of-way for an interchange for the East/West Freeway with Nash Road, totaling approximately forty (40) acres. The exact location of both the East/West Freeway and the interchange right-of-way (the "Rights-of-Way") shall be approved by the Transportation Department. There shall be no requirement to dedicate the Rights-of-Way if, prior to recordation of the initial subdivision plat or site plan approval, whichever occurs first, the Board of Supervisors approves an alternative location for the East/West Freeway that does not extend across the Property. (T)

5. Access.

- a. Direct access from the Property to Nash Road shall be limited to five (5) public roads including Reedy Branch Extended. Direct access from the Property to Cattail Road shall be limited to three (3) public roads including Reedy Branch Extended. The Transportation Department may modify this condition to allow additional public road access to Nash Road and/or Cattail Road. The exact location of these accesses shall be approved by the Transportation Department.
- b. Prior to any tentative subdivision plat or prior to any site plan approval, whichever occurs first, an access plan for Reedy Branch Extended shall be submitted to and approved by the Transportation Department. Access from the Property to Reedy Branch Extended shall conform to the approved access plan. (T)

6. Road Improvements.

To provide for an adequate roadway system, the Developer shall be responsible for the following:

- a. Construction of two (2) lanes of Reedy Branch Extended to VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, from Nash Road at its intersection with Reedy Branch Road through the Property to Cattail Road at its intersection with Reedy Branch Road.
- b. Widening/improving the east side of Nash Road to an eleven (11) foot wide travel lane, measured from the centerline of Nash Road with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road ,except in the locations described in Proffered Condition 8.b.iii through 8.b.vii, with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
- c. Widening/improving the west side of Cattail Road to an eleven (11) foot wide travel lane, measured from the centerline of Cattail Road with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage. If full development of the Property, as determined by the Transportation Department, occurs within eight (8) years from the date the Board of Supervisors approves this request, the Developer shall not be required to overlay the full width of Cattail Road.
- d. Construction of additional pavement along Nash Road, along Cattail Road and along Reedy Branch Extended at each approved access to provide left and right turn lanes, based on Transportation Department standards.
- e. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the road improvements described above. In the event the Developer is unable to acquire the "off-site" right-of-way necessary for the road improvements described above, the Developer may request, in writing, the County to acquire such "off-site" right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. The cost shall be determined through the public right-of-way acquisition process. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only be required to provide the

road improvements that can be accommodated within available right-of-way as determined by the Transportation Department. (T)

7. Transportation Phasing Plan. Prior to any construction plan or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 6, shall be submitted to and approved by the Transportation Department. (T)
8. Transportation Contribution.
 - a. The Developer, its successor, or its assigns shall pay to Chesterfield County either: 1) prior to issuance of the first building permit, the sum of \$300,000 and each year from the date of that initial payment thereafter shall pay another \$300,000, until all the lots on the Property have been recorded or until these cumulative payments equal to \$3,000,000, whichever occurs first; or 2) prior to issuance of the initial building permit within each recorded subdivision section, the sum of \$9522 multiplied by the number of lots in that subdivision section. The Developer, its successor, or its assigns shall pay the one of these two options that provides a greater dollar amount to Chesterfield County each year. In no event shall the total amount paid by the Developer, its successor, or its assigns at the completion of the development exceed or be less than the total number of lots recorded on the Property multiplied by \$9522.
 - b. The payments shall be used for road improvements within Traffic Shed 17 or for road improvements that provide relief to that Traffic Shed, as determined by the Transportation Department. Unless the following improvements have been provided by others, the payments shall first be used to correct existing substandard alignments on Nash Road south of Woodpecker Road based on VDOT Urban Minor Arterial (50 MPH) standards, with modifications approved by the Transportation Department, in the following locations:
 - i. 0.4 mile south of the intersection of Nash Road and Woodpecker Road;
 - ii. 0.5 mile south of the intersection of Nash Road and Woodpecker Road;
 - iii. 1.5 miles south of the intersection of Nash Road and Woodpecker Road;
 - iv. 1.6 miles south of the intersection of Nash Road and Woodpecker Road;
 - v. 2.3 miles south of the intersection of Nash Road and Woodpecker Road;
 - vi. 2.4 miles south of the intersection of Nash Road and Woodpecker Road; and
 - vii. 2.7 miles south of the intersection of Nash Road and Woodpecker Road.

- c. If, at the request of the Transportation Department, the Developer, its successor or its assigns provides any of the improvements listed in Proffered Condition 8.b.i. through 8.b.vii., then the Developer, its successor or its assigns shall receive a reduction in the payments as set forth in Proffered Condition 8.a. The reduction shall be equal to the costs of the Developer, its successors or its assigns providing such improvements. For the purposes of this proffer, the costs shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials and overhead) ("Work"). Before any Work is performed, the Developer, its successor or its assigns, shall receive prior written approval by the Transportation Department for any reduction(s) in payment(s). (T)
- 9. Manufactured Homes. Manufactured homes shall not be permitted on the Property. This proffered condition shall not be interpreted to prohibit the installation of any mobile real estate sales office permitted on the Property by an approved Conditional Use, which shall not be used for dwelling purposes. (P)
- 10. Covenant Regarding Manufactured Homes. The following shall be recorded as restrictive covenants in conjunction with recordation of any subdivision plat for the Property: "No manufactured homes shall be allowed to become a residence, temporary or permanent." (P)
- 11. Recreational Facilities. Any recreational facilities shall be subject to the following restrictions:
 - a. There shall be no outside public address systems or speakers.
 - b. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor play fields, courts, swimming pools and similar active recreational areas shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
 - c. Within the one hundred (100) foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - d. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

- e. Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback.
- f. The location of all active recreational uses shall be identified in conjunction with the submittal of the first tentative subdivision plan.
- g. In conjunction with the recordation of any lot adjacent to active recreational area(s), such area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions. (P)

AYES: Messrs. Litton, Wilson, Gulley and Bass.
NAYS: Mr. Gecker.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Wilson, that the meeting adjourned at approximately 10:40 p. m. to November 16, 2004, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Chairman/Date

Secretary/Date